

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|------------------------------|---|-----------------------|
| FRANK D. SCHEMBRE, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | No. 4:06-CV-943 (CEJ) |
| |) | |
| AGR CONSTRUCTION COMPANY and |) | |
| ABDF CONSTRUCTION, LLC, |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on plaintiffs' motion for attorney's fees. Defendants have not filed a response and the time for doing so has expired.


On July 3, 2007, the Court entered judgment in favor of plaintiffs in this action to collect delinquent fringe benefit contributions pursuant to the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §§ 1001 *et seq.*, and the Labor Relations Management Act of 1947 (LMRA), 29 U.S.C. §§ 141 *et seq.* ERISA provides that employers shall make contributions when required by the terms of a collective bargaining agreement. 29 U.S.C. § 1145. Employers who fail to make the required contributions may be liable for attorney's fees and costs. 29 U.S.C. § 1132(g)(2)(D).

Plaintiffs submit the affidavit of attorney Greg A. Campbell. Mr. Campbell states that his firm's standard hourly billing rate for attorney services performed in connection with litigating delinquency cases was \$155.00 per hour in 2006 and is \$160.00 in 2007; the firm's standard billing rate for services performed by a legal assistant is \$75.00 per hour. Mr. Campbell states that he

performed 10.7 hours of work in 2006, for a fee of \$1,658.50; he performed 22.6 hours of work in 2007, for a fee of \$3,616.00. A legal assistant performed 2.7 hours of work, for a fee of \$202.50. Plaintiffs are entitled to attorneys fees in the amount of \$5,477.00, plus costs in the amount of \$350.00 for the filing fee, \$261.25 for service of process, and \$171.70 for fees of the court reporter, for a total of \$6,259.95.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for attorney's fees and costs in the amount of \$6,259.95 [Doc. #30] is **granted**.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of October, 2007.